IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD JULY, 2007 / 12TH ASHADHA, 1929

WP(C).No. 18424 of 2007(R)

PETITIONER:

V.J.STEPHEN, VAZHAKKOTTATHIL HOUSE,
KATTOOR P.O., KALAVOOR, ALAPPUZHA.

BY ADV. SMT.C.G.PREETHA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, TRIVANDRUM.

2. THE DHANALAKSHMI BANK LTD. ALAPPUZHA BRANCH REPRESENTED BY ITS MANAGER.

3. V.S.ANTONY, VAZHAKKOOTTATHIL HOUSE, KATTOOR P.O., KALAVOOR, ALAPPUZHA.

R1 BY GOVT. PLEADER SRI.I.V.PRAMOD.
R2 BY ADV. SRI.C.K.KARUNAKARAN,SC FOR DHANALAKSHMI BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 18424 OF 2007 - R

Dated this the 3rd day of July, 2007

J U D G M E N T

The petitioner challenges proceedings for recovery of loan amounts due from the petitioner's son, the third respondent to the second respondent- Bank which is sought to be enforced by proceeding against the property of the petitioner. However, for the present, the petitioner only seeks facility to pay off the amounts due in instalments.

2. I have heard the learned Standing Counsel for the Bank also.

3. In the facts and circumstances of the case, I direct the second respondent to permit the petitioner to pay the amounts demanded in five equal monthly instalments starting from 15.7.2007. Every subsequent instalment shall be paid on the first working day after the 14th of every subsequent month. If the petitioner promptly pays the instalments in time, further coercive proceedings for recovery shall be kept in abeyance.

However, if the petitioner commits default in payment of any one instalment, the second respondent will be free to continue the proceedings now initiated without having to issue any fresh notice or proceedings in that regard.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007